

STATE OF MICHIGAN
STATE BOARD OF EDUCATION

**STATEMENT REGARDING TESTING OF MICHIGAN
LIMITED ENGLISH PROFICIENT STUDENTS**

Mrs. Gire moved, seconded by Mrs. Curtin, that the State Board of Education adopt the following:

The State Board of Education supports a rigorous, well-rounded program of curriculum and instruction for all students, and an equally rigorous assessment of student achievement. At the same time, the State Board of Education recognizes that, to be valid and reliable, assessments must actually measure what is intended – the knowledge of content, acquisition of skills, and achievement of curricular benchmarks.

The educational achievement bar has been set high in Michigan. Every child is eligible for public education. Every child will participate in assessment. Today, however, we do not yet have sufficient instruments to reliably assess the achievement of students with severely limited English proficiency (LEP).

The Office for Civil Rights in the U. S. Department of Education, in its December 2000 publication “The Use of Tests as Part of High-Stakes Decision-Making for Students,” states:

...states or school districts using tests for high-stakes purposes must ensure that, as with all students, the tests effectively measure limited English proficient students’ knowledge and skills in the particular content area being assessed. (p. 17)

...depending upon the purpose of the test and the characteristics of the populations being tested, in some situations, accommodations or other forms of assessment of the same construct may be necessary. (p. 59)

Based upon these statements of the Office for Civil Rights, the State Board of Education believes:

1. First, that requiring limited English proficient students to take the current English-language Michigan Educational Assessment Program (MEAP) tests will not serve to effectively measure the students’ knowledge and skills in the content areas being tested.
2. Second, that to do so would constitute a form of discrimination under federal statute.

In addition, the State Board believes it is educationally unsound, unfair, and demoralizing to limited English proficient students to be required to take tests that they cannot read or comprehend. It is equally unfair to the teachers of these students, who must submit the students to this testing and observe their frustration. It is also unfair to the schools and

school districts that will have their accreditation status and their adequate yearly progress determined in some part by the inclusion of the test scores of limited English students.

The State Board of Education is convinced that the members of Congress did not intend to ask these students to do the impossible and participate in an experience that will likely guarantee failure.

Therefore, the State Board of Education directs:

1. That the Department of Education, in consultation with districts, schools, and practitioners in the education of children with limited English language skills, undertake the development of alternate forms of testing for LEP students, which may either be tests in the predominant native languages used in the homes of Michigan LEP students, or may be alternative forms of testing, such as testing in simplified English.
2. That until such alternate tests are available, as a reasonable accommodation and beginning with the 2002-03 MEAP testing, LEP students who have been in school in the United States for less than three years may be excused from taking the English-language MEAP tests, if their local school or school district judges these students have not yet reached a level of English language proficiency sufficient to yield valid and reliable information about what such students know and can do in the subject areas tested.
3. That during such a period of exclusion from English-language MEAP testing, the LEP students excluded will not need to be included in the calculation of students tested in order to meet the minimum "95% tested" requirement of the No Child Left Behind (NCLB) Act.
4. In determining whether an LEP student has not reached an adequate level of English language proficiency, a school or district shall base this decision on the student's scores on the most recent English language proficiency test administered to the student.
5. The Board acknowledges the requirement of No Child Left Behind, that, after three years of education in a U. S. school, limited English proficient students must take the appropriate state assessment tests in English, unless, on a case by case basis, testing with an alternate instrument is continued for a maximum of two additional years, as provided for in NCLB.

Ayes: Austin, Bauer, Curtin, Gire, McGuire, Straus

Absent: Moyer, Weiser

The motion carried.

Adopted January 23, 2003